

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**MICHAEL TIMBERSON, APPELLANT**

**vs.**

**DIVISION OF EMPLOYMENT SECURITY, RESPONDENT**

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DOCKET NUMBER WD71783

DATE: November 16, 2010

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Appeal from:

The Labor and Industrial Relations Commission

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Appellate Judges:

Division Three: Alok Ahuja, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

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Attorneys:

Mikah K. Thompson, for Appellant

Ninion S. Riley, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**MICHAEL TIMBERSON, APPELLANT**

**v.**

**DIVISION OF EMPLOYMENT SECURITY, RESPONDENT**

WD71783

The Labor and Industrial Relations Commission

Before Division Three Judges: Alok Ahuja, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

Michael Timberson filed a claim for unemployment benefits after voluntarily resigning from his position as an aircraft fueler and utility painter with Allied Aviation Fueling Company of St. Louis. At a hearing on his claim, Timberson testified that he resigned in order to relocate with his wife after she accepted a job in Springfield, Illinois. The Labor and Industrial Relations Commission denied Timberson's claim, finding that he had voluntarily left his job without good cause attributable to his job or his employer. Timberson appeals.

**AFFIRMED.**

**Division Three holds:**

Where a Missouri statute which would grant unemployment benefits to employees who had separated from their employment for a "compelling family reason" was not certified by the U.S. Department of Labor as required by both federal and Missouri law, the statute was not in effect when Timberson resigned from his employment and could not be applied to his claim. Therefore, the Labor and Industrial Relations Commission did not err in declining to apply the statute to Timberson's claim and in denying his claim for unemployment compensation.

**Opinion by: Victor C. Howard, Judge**

Date: November 16, 2010

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